

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

3:01CV205-K

3:98MC96-K

**IN RE: ALL FUNDS ON DEPOSIT IN)
ACCOUNT NUMBER 000669829075 in)
THE BANK OF MM APMC BANQUE DE)
COMMERCE, INC., AT NATIONSBANK,)
N.A., CONSISTING OF)
\$18,756,420.97, more or less.)**

**GEORGE AND DOLORES ROLLAR,)
Plaintiffs,)
v.)
U.S.A.,)
Defendants)**

ORDER

THIS MATTER IS BEFORE THE COURT with consent of the parties upon Movant Kilpatrick, Stockton LLP's Motion to Enforce Charging Lien (doc. 151). For the following reasons, this motion is denied at this time, with leave to re-file at the conclusion of the case.

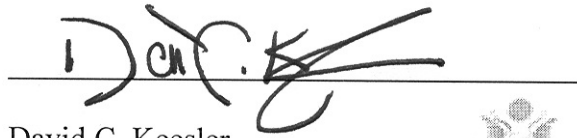
Movant Kilpatrick, Stockton LLP represents Intervenor Richard Vasquez. Mr. Vasquez has established a claim for a portion of the seized funds at issue in this case. During Movant's representation of Mr. Vasquez, the Receiver has made interim distributions to Mr. Vasquez, remitting over \$603,308.36 to Mr. Vasquez. In addition, Mr. Vasquez is due to receive a final distribution of approximately \$181,000.00 at the conclusion of this case.

According to the Motion, a dispute has arisen over legal fees related to Movant's representation of Mr. Vasquez. An affidavit filed with the motion avers that Mr. Vasquez owes Movant Kilpatrick, Stockton LLP approximately \$45,037.93 in past due legal fees. Movant asks this Court to direct the Receiver to deduct this amount from Mr. Vasquez' final distribution and remit it to Movant.

Counsel for Movant subsequently indicated to this Court that the matter was being negotiated between Movant and Mr. Vasquez. Accordingly, the instant Motion may be rendered moot. This Court encourages the parties to settle this matter without the involvement of the Court. In order to give the parties an opportunity to do so, this Motion will be denied at this time. Movant has leave to raise this issue again, if necessary, in Response to Receiver's Motion for Final Distribution at the conclusion of this case.

Accordingly, **IT IS HEREBY ORDERED THAT** the Motion to Enforce Charging Lien (doc. 151) is **DENIED, WITHOUT PREJUDICE, WITH LEAVE TO RE-FILE.**

Signed: September 30, 2005

A handwritten signature in black ink, appearing to read "D.C. Keesler", is written over a horizontal line.

David C. Keesler
United States Magistrate Judge

